

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE

**ORDER NO. R9-1004-0195
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
FOR
MANDATORY MINIMUM PENALTIES
AGAINST
SAN ELIJO JOINT POWERS AUTHORITY
SAN ELIJO WATER RECLAMATION FACILITY
VIOLATION OF
ORDER NO. 99-71, CA0107999
WASTE DISCHARGE REQUIREMENTS
FOR THE
SAN ELIJO JOINT POWERS AUTHORITY
SAN ELIJO WATER RECLAMATION FACILITY
DISCHARGE TO THE PACIFIC OCEAN
VIA THE SAN ELIJO OCEAN OUTFALL**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), on June 10, 2004, having received a signed waiver of public hearing form and a payment of \$3,000 and having reviewed the allegations contained in Revised Complaint No. R9-2004-0068, dated May 14, 2004, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$3,000, finds as follows:

1. San Elijo Joint Powers Authority is authorized to discharge up to 5.25 million gallons per day of wastewater through the San Elijo Ocean Outfall to the Pacific Ocean in accordance with waste discharge requirements contained in Order No. 99-71 which was adopted by the Regional Board on November 10, 1999.
2. The Discharge Specifications' section of Order No. 99-71 contains a daily maximum effluent limitation for total suspended solids of 50 mg/L. On January 19, 2000, San Elijo Joint Powers Authority reported a total suspended solids result of 70.2 mg/L.
3. California Water Code section 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. California Water Code section 13385(h)(1) states that a "serious violation" means any waste discharge that violates the effluent limitation contained in the applicable waste discharge requirements for a Group I pollutant by 40 percent or more or for a Group II pollutant by 20 percent or more, as

Order No. R9-2004-0195

San Elijo Joint Powers Authority

San Elijo Water Reclamation Facility

- specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. Total suspended solids is a Group I pollutant.
4. Consideration of the factors prescribed in California Water Code section 13385(e) based upon information available to the Regional Board supports assessment of civil liability pursuant to California Water Code section 13385(h) in the amount of three thousand dollars \$3,000.
 5. The Regional Board incurred costs totaling \$3,240 to prosecute the enforcement action; the costs include investigation, preparation of enforcement documents, communicating with the Discharger, and preparation of materials for public review and hearing.
 6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15521, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on San Elijo Joint Powers Authority in the amount of three thousand dollars (\$3,000).

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on June 10, 2004.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer